

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF GEORGIA

BENNIE DRIVER,  
Plaintiff,

v.

Civil Action, File

No. \_\_\_\_\_

SERGEANT RALPH CRAMDEN,  
MAJOR PHILIP GONZALEZ, M.D.,  
MAJOR GENERAL ARLO GUTHRIE,  
UNITED STATES ARMY, and  
UNITED STATES OF AMERICA,  
Defendants.

\_\_\_\_\_ /

COMPLAINT

Comes now Plaintiff BENNIE DRIVER and sues Defendants SERGEANT RALPH CRAMDEN (“CRAMDEN”), MAJOR PHILIP GONZALEZ, M.D., (“GONZALEZ”), MAJOR GENERAL ARLO GUTHRIE (“GUTHRIE”), the UNITED STATES ARMY (“ARMY”) and the UNITED STATES OF AMERICA (“USA”), and alleges:

Jurisdiction

1. This action arises under the Constitution of the United States and federal law. The matter in controversy exceeds, exclusive of interests and costs, the sum of fifty thousand dollars.

Factual Background

2. On March 17, 2004, Plaintiff DRIVER was operating his privately owned motor vehicle on Normandy Avenue, a public right of way on Fort Swampy, Georgia.
3. At all material times, Plaintiff DRIVER was operating his motor vehicle in accordance with all applicable laws and regulations.
4. Plaintiff is an American of African descent, commonly referred to as “Black.”

5. At all material times, Defendant CRAMDEN was on duty as a military policemen assigned as a sergeant to the 12<sup>th</sup> Military Police Company, Fort Swampy, Georgia.
6. On March 17, 2004, while on road patrol duty at Fort Swampy, Georgia, for the 12<sup>th</sup> Military Police Company, at approximately 10 p.m., Defendant CRAMDEN observed Plaintiff DRIVER operating his vehicle on Normandy Avenue, Fort Swampy.
7. At approximately, 10 p.m. on March 17, 2004, without legal cause or provocation, Defendant CRAMDEN activated his emergency flashing lights and forced Plaintiff DRIVER to pull to the side of Normandy Avenue.
8. During this illegal traffic stop, Defendant CRAMDEN pulled Plaintiff DRIVER from his motor vehicle, causing physical and emotional injury to Plaintiff DRIVER.
9. During this illegal traffic stop, Defendant CRAMDEN told Plaintiff DRIVER that he was “nothing but a f---ing n--gger.”
10. During this illegal traffic stop, Defendant CRAMDEN arrested Plaintiff DRIVER and transported him to the U.S. Army Medical Center, Fort Swampy, for treatment of the injuries inflicted on Plaintiff DRIVER by Defendant CRAMDEN.
11. At all material times on March 17, 2004, Defendant GONZALEZ was on duty as an Emergency Room physician at the U.S. Army Medical Center, Fort Swampy, Georgia.
12. Defendant GONZALEZ negligently treated Plaintiff DRIVER for injuries sustained during the illegal traffic stop and arrest by Defendant CRAMDEN.
13. As a result of Defendant GONZALEZ’s negligent treatment of Plaintiff DRIVER, Plaintiff DRIVER suffered further physical and emotional injury, including great bodily harm and permanent disfigurement.

14. At all material times, Defendant GUTHRIE was the Commanding General of Fort Swampy. As such, he had supervisory authority and control over Defendants CRAMDEN and GONZALEZ and was responsible for their training.
15. Defendant GUTHRIE negligently supervised and negligently trained Defendants GUTHRIE and GONZALEZ.
16. As a result of Defendant GUTHRIE's conduct, Plaintiff DRIVER sustained physical and emotional injuries.
17. At all material times, Defendants CRAMDEN, GONZALEZ and GUTHRIE were on active duty in the UNITED STATES ARMY. The ARMY is an agency of the United States government.
18. As a result of the actions of the Defendants, Plaintiff DRIVER suffered great pain of body and mind, permanent disfigurement, and lost business income. Plaintiff DRIVER has also incurred expenses for medical treatment and hospitalization.

Count I, Negligence

19. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 18, above, as if fully set forth herein.
20. Plaintiff has exhausted his administrative remedies and has satisfied all conditions precedent to the filing of this action.

Wherefore, Plaintiff demands judgment against Defendants CRAMDEN, GONZALEZ, GUTHRIE, ARMY and USA for a sum in excess of fifty thousand dollars, to fully compensate the Plaintiff for his injuries, plus punitive damages, costs, and attorney fees.

Count II, Constitutional Tort

21. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 18, above, as if fully set forth herein.
22. Defendant CRAMDEN willfully and recklessly violated the Plaintiff's constitutional rights by making racially biased and inflammatory statements to the Plaintiff and arresting the Plaintiff without legal cause. Defendant CRAMDEN further violated the Plaintiff's constitutional rights by his illegal assault and battery of the Plaintiff.

Wherefore, Plaintiff demands judgment against Defendants CRAMDEN, GUTHRIE, ARMY and USA for a sum in excess of fifty thousand dollars, to fully compensate the Plaintiff for his injuries, plus punitive damages, costs, and attorney fees.

Harry Smith, Esq.  
1 Freedom Way  
Hinesville, GA 21324  
Attorney for Plaintiff